

## **REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the remarks herein.

### **I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 1-119 are pending in this application. Claims 1, 55-58, and 112-119 are independent.

### **II. REJECTIONS UNDER 35 U.S.C. §103(a)**

Claims 1-4, 7, 10, 12, 17, 21, 25, 29, 33, 51, 52, 64, 67, 69, 74, 78, 82, 86, 90, 108, 111, and 115-119 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 6,567,800 to Barrera et al. (hereinafter “Barrera”) in view of U.S. Patent No. 6,282,548 to Burner et al. (hereinafter “Burner”).

Claims 5 and 62 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Barrera in view of Burner and further in view of U.S. Patent No. 6,311,058 to Wecker et al. (hereinafter “Wecker”).

Claims 6, 8-9, 14-16, 18-20, 22-24, 26-28, 30-32, 63, 65, 66, 71-73, 75-77, 79-81, 83-85, 87-89, and 114 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Barrera in view of Burner, and further in view of U.S. Patent No. 6,394,354 to Wilz, Sr. et al. (hereinafter “Wilz”).

Claims 11, 13, 53, 68, 70, and 109 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Barrera in view of Burner, and further in view of U.S. Patent No. 6,311,214 to Rhoads (hereinafter “Rhoads”).

Claims 34-48, 50, 54, 56, 91-106, 110, and 113 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Barrera in view of Burner, and further in view of U.S. Patent No. 6,505,212 to Nakano et al. (hereinafter “Nakano”).

Claims 55 and 112 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Barrera in view of Burner, and further in view of Wilz and further in view of Nakano.

As understood by Applicants, Barrera relates to a system and method for searching websites using category information to narrow the scope of the website content search. Content from existing websites is searched and stored using a software application. Upon searching a page, the application returns basic information such as the author of the page, date on which the page was created, its size and some analysis of its textual content (col. 4, lines 25-29). The Examiner cites Barrera at col. 6, line 8 as disclosing a method of creating a web site. However, applicants respectfully submit that nowhere in Barrera, including the cited portion of Barrera, is a method of creating a web site, disclosed. The cited portion of Barrera merely discloses in claim language the “method for searching for information stored at websites, comprising the steps of: retrieving website content through a network.” Applicants respectfully submit that the systems and methods of Barrera include searching and retrieving data from existing websites. Nowhere in Barrera is it disclosed or suggested to create a web site or web site content.

As understood by Applicants, Burner relates to a method and apparatus for displaying metadata about an existing web page that is currently being displayed by a web browser. The Examiner relies upon Burner merely to show disclosure of using industry types as

classified types. Applicants respectfully submit that nowhere in Burner is it disclosed or even suggested to provide a method or system for creating web sites or web site content.

### III. RESPONSE TO REJECTIONS

Applicants respectfully submit that (A) the applied combinations of Barrera and Burner, as well as the combinations of those references with other references do not teach or suggest methods or systems for creating a web site or web site content as claimed in independent claims 1, 55-58, and 112-119; (B) that the applied combinations teach away from the claimed invention; and (C) that the applied combinations are improper because they lack motivation and rely on impermissible hindsight reasoning.

#### A. Applied combinations do not teach error processing dependent on the time duration

Applicants' independent claims recite methods and systems of creating a web site and further recite features such as creating a framework of the web site, and creating one or more pages of the web site.

The cited portions of Barrera and Burner do not disclose or suggest that methods or systems for creating a web site. Furthermore, applicants respectfully submit that nowhere in Barrera or Burner is it disclosed or suggested to create a web site.

#### B. Applied combinations lack motivation and rely on impermissible hindsight

Finally, Applicants respectfully submit that MPEP §2143.01(III) states that

**“The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. In re**

*Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990)”  
(Emphasis added)

Applicants respectfully submit that the Office Action has failed to provide a suggestion or motivation to combine the teachings of Barrera and Burner, and to further modify that combination as allegedly suggested by the additional references cited. Indeed, Applicants respectfully submit there is no motivation anywhere in the art of record to suggest the applied combinations. Since there is no motivation in the references themselves, the Office Action has relied on impermissible hindsight to create a mosaic of features from the prior art in a futile attempt to create a vague resemblance of Applicant’s claimed invention.

D. Conclusion

In conclusion, (A) the applied combinations of Barrera, Burner, and the additional references do not teach that **systems or methods of creating a web site** as claimed in independent claims 1, 55-58, and 112-119; (B) that the applied combinations are improper because they lack motivation and rely on impermissible hindsight reasoning.

Therefore, for all the reasons stated above, Applicants respectfully submit that claims 1, 55-58, and 112-119 are patentable.

IV. **DEPENDENT CLAIMS**

The other claims in this application are each dependent from one of the independent claims discussed above and are therefore patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

**CONCLUSION**

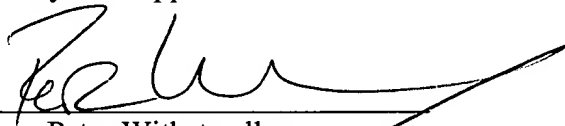
In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference, or references, it is respectfully requested that the Examiner specifically indicate the portion, or portions, of the reference, or references, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

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